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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,657	08/07/2003	Michael Brynn House	19441.0061	1656
29052	7590	03/31/2005	EXAMINER	
SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/604,657	Applicant(s) HOUSE ET AL	
	Examiner Edward Raymond	Art Unit 2857	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-35, 39-56 and 60-64 is/are rejected.
- 7) ☐ Claim(s) 16-18, 36-38 and 57-59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-15, 19-35, 39-56, 60, 61, and 64** are rejected under 35 U.S.C. 102(b) as being anticipated by Talbott.

Talbott teaches a machine life indicating system, comprising: means for receiving historical data (Claims 1, 13, 24, 33, 42, and 53: see col. 4, lines 38-46), the historical data providing an indication of the operating lifetime of major components within machines of a particular type (Claims 1, 10, 13, 15, 22, 24, 33, 42, and 53: see col. 3, lines 8-12); means for calculating the life remaining in a machine using, at least in part, the historical data (Claims 1, 11, 13, 23, 24, 33, 42, 51, 53, and 64: see col. 3, lines 8-12); and means for displaying the life remaining in the machine (Claims 1, 12, 13, 24, 33, 42, 52, and 53: see col. 9, lines 14-22).

Talbott teaches a system further comprising means for receiving environmental data pertaining to the environment in which the machine operates (Claims 2, 14, 25, 34, 43, and 54: see col. 3, lines 60-67), and wherein the means for calculating the life remaining further comprises means for calculating the life remaining in the machine

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using, at least in part, the environmental data (Claims 2, 14, 25, 34, 43, and 54: see col. 3, lines 8-12).

Talbott teaches a system further comprising means for receiving operator input data relating to the operation of the machine, and wherein the means for calculating the life remaining further comprises the life remaining in means for calculating the machine using, at least in part, the operator input data (Claims 3, 15, 26, 35, 44, and 55: see col. 6, lines 39-67 and col. 3, lines 8-12).

Talbott teaches a system wherein the means for calculating the life remaining in the machine comprise means for calculating the life remaining in the machine using probability distribution functions (Claims 4, 5, 19, 27, 28, 39, 45, 46, 56, and 60: see col. 5, lines 15-22).

Talbott teaches a system wherein the machine is an electric motor and the individual components comprise components selected from the group consisting of a stator and a bearing (Claims 6, 29, and 47: see col. 3, lines 53-67: The Examiner notes that an electric motor is discussed and would consist of a stator and bearings).

Talbott teaches a system wherein the machine is a generator (Claims 7, 20, 30, 40, 48, and 61: see col. 3, lines 53-67: The Examiner notes that an electric motor is to generate a mechanical reaction via manipulation of the electromagnetic field within an electric motor).

Talbott teaches a system wherein the means for receiving historical data is operable to receive the historical data from a device other than the machine (Claims 8,

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31, and 49: see col. 4, lines 55-62: The Examiner notes that the storage cubes can be other than the machine).

Talbott teaches a system wherein the means for receiving historical data is operable to receive the historical data in batch form such that the historical data is not continuously or intermittently received by the means for receiving (Claims 9, 21, 32, 41, and 50: see col. 4, lines 39-46: The Examiner notes that the batch is the same as the data cube or array).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 62 and 63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Talbott in view of Ushiku et al.

Talbott teaches all of the features of the claimed invention, except wherein the assessment tool is operable to receive operator input data via a wide area network from a plurality of users. Ushiku et al. teach a wide area network (Claims 62 and 63: see Figure 1: Server 15). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to modify Talbott to use a wide area network, as taught by Ushiku et al., because this would allow for remote access to devices being monitored by multiple users.

***Allowable Subject Matter***

6. **Claims 16-18, 36-38, and 57-59** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

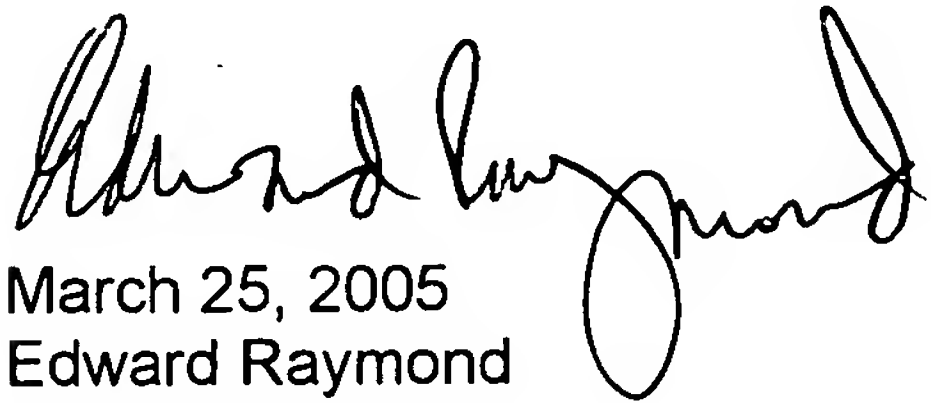
***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read "Edward Raymond", is written over the typed name.

March 25, 2005  
Edward Raymond  
Patent Examiner  
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